700 mond 15 final, being world for rider dist.

AGENDA NAVIGATIONAL DREDGING GROUP MEETING - NEW BEDFORD, MA July 29, 2010 – 1:00 PM

Ashley Conference Room, City Hall, New Bedford

	1.0 INTRODUCTION	(PC)
- Sec.	2.0 State Enhancement Request - Gty DEP needs to clarify length of wall (me 3.0 New Bedford/Fairhaven Harbor Master Plan - Update app. Hlan. Plan 6 (3, 21 day petrium period =) no 4.0 PROJECTS STATUS - Phase III Dredging 3.1 Comments on After Action Report 3.2 Comments on Sediment Trap Report	(Apex) (Apex)
タラ	5.0 Grants and Other Submittals 5.0 Fine Clean Energy Council for 5. Terms 6.0 PHASE IV 6.1 Stakeholder Integration 6.1.1 USEPA Status 6.1.2 USACE Status — need leeper document (I	(IIDC)
	8.0 CLOSING COMMENTS - Schedule Next Meeting	(PC)
	1 - 6,000 cy start wind-Sept., I month - outside of fish rundow, no so (+ cuntouin need	ded
	* permitted for diedging; CAD disposal per	SER
	- mill use soft curtain around dredge area	burne not)

NAVIGATIONAL DREDGING GROUP MEETING - NEW BEDFORD, MA May 27, 2010 – 11:30 AM

May 27, 2010 – 11:30 AM
Ashley Conference Room, City Hall, New Bedford

	1.0	INTRODUCTION	(PC)
	2.0	State Enhancement Request 5. Terminal OF	(PC)
	3.0	New Bedford/Fairhaven Harbor Master Plan - Update - tweeks made by consultant (from CZM	(HDC) comments) and
	4.0	3.1 Comments on After Action Report	(Apex) at CZM
	5.0	3.2 Comments on Sediment Trap Report	(HDC) for finel
	6.0	PHASE IV - dight WP was JUST for pre-diedging 6.1 Stakeholder Integration bathy survey	(HDC) Civiteday
		6.1 Stakeholder Integration bathy survey 6.1.1 USEPA Status 6.1.2 USACE Status CoE economic report	(USEPA) (USACE)
1	7.0	OTHER BUSINESS (1st rok of Time (Keega	newail))
	8.0	CLOSING COMMENTS - Schedule Next Meeting	(PC)
A	MoA	needs to be amended to recognize new	Harbor Plan
M.	courid	er resource agency coord, letter prior to dredging round.	lach
		diedging round.	

NAVIGATIONAL DREDGING GROUP MEETING - NEW BEDFORD, MA April 29, 2010 - Noon

Conference Room 314, City Hall, New Bedford

1.0	INTRODUCTION	had in state court	(PC)
2.0	State Enhancement Request	- mel in state court - ~2 was froment ?	Dufinitim (PC)
3.0	PROJECTS STATUS – Phase I 3.1 Comments on After Acti 3.2 Comments on Sediment	ion Report	(Apex) (Apex)
4.0	PHASE IV		(HDC)
	4.1 Stakeholder Integration 4.1.1 USEPA Status 4.1.2 USACE Status		(USEPA) (USACE)
5.0	OTHER BUSINESS		
6.0	CLOSING COMMENTS - Sch	edule Next Meeting	(PC)
br M.	Plan "cousultation.	semme extended approve (in	to 5/26 [] lus extureled again)

NAVIGATIONAL DREDGING GROUP MEETING - NEW BEDFORD, MA March 25, 2010 - Noon

Conference Room 314, City Hall, New Bedford

		Conference Room 514, City Han, New Dedicit				
	1.0	INTRODUCTION	(PC)			
	2.0	New Bedford/Fairhaven Harbor Master Plan - Update	(HDC)			
	3.0	Phase III Dredging - Submission of Draft After Action Report of CD handed out it mits.	(Apex)			
	4.0	Phase IV Dredging – Project Status Potential Additional Properties: Evergreen (Sherman Smith), Mass Fabricating	(Apex)			
	5.0	State Enhancement Request Update Fideral resource agency review; no ESD reg OTHER BUSINESS	(PC) (atter report)			
probably	6.0	OTHER BUSINESS TSCA Finding for CAD 3	, a , (Sea)			
homes	need	EPA / CAD Cell ESD Update Other News	(DD) (ALL)			
	7.0	CLOSING COMMENTS - Schedule Next Meeting	(PC)			
	8.0	SITE VISIT – South Terminal				
0	Note:	The Phase IV Dredging original properties include:				
ceptod {	North Street I	Terminal Area, South Terminal and Turning Basin; East of State Pier; Bridge Terminal Mooring Area; Rowing Course Partial; Fairhaven Shipyard additional; ARSBC; Linberg t Inn Gateway Property; Moby Dick Property; Pease Park.; Niemiec Marine.				
oppering &	00	Beach Nouris hment Options	-7 sites bei			
to 821			100 (Or a)			

Federal Dredging
- COE (HDC met this am w/economist (re. need)

X-economist(s) will get more info to COE

30 {-400,000 suitable -450,000 ausuitable

NAVIGATIONAL DREDGING GROUP MEETING - NEW BEDFORD, MA March 25, 2010 – Noon

Conference Room 314, City Hall, New Bedford

1.0	INTRODUCTION	(PC)
2.0	State Enhancement Request	(PC)
3.0	New Bedford/Fairhaven Harbor Master Plan - Update	(HDC)
4.0	PROJECTS STATUS – Phase III Dredging 3.1 Dredging Completion Maps 3.2 Project Wrap-up Status 3.3 Sediment Traps	(Apex) (Apex) (Apex)
5.0	Grants and Other Submittals	(HDC)
6.0	PHASE IV	(HDC)
	North Terminal Area, South Terminal and Turning Basis Pier; Bridge Terminal; Gifford Street Mooring Area; Partial; Fairhaven Shipyard additional; ARSBC; Link Seaport Inn Gateway Property; Moby Dick Property; Peas Marine	Rowing Course berg additional;
	Next CAD Cell – CAD #3	(Apex)
	Location(s), Volumes	(Apex/All)
	6.2 Stakeholder Integration	
	6.2.1 USEPA Status	(USEPA)
	6.2.2 USACE Status	(USACE)
7.0	OTHER BUSINESS	
8.0	CLOSING COMMENTS - Schedule Next Meeting	(PC)
9.0	SITE VISIT – South Terminal	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION I ONE CONGRESS STREET SUITE 1100 BOSTON, MASSACHUSETTS 02114-2023

VIA EMAIL AND FIRST-CLASS MAIL

November 25, 2009

Commonwealth of Massachusetts
Office of Coastal Zone Management (CZM)
Attn. Dave Janik
251 Causeway Street, Suite 800
Boston, MA 02114-2136

Re: EPA Comments on 2009 New Bedford/Fairhaven Municipal Harbor Plan

Dear Mr. Janik,

EPA appreciates the opportunity to comment on the 2009 New Bedford/Fairhaven Municipal Harbor Plan (the Harbor Plan), and notes that much of the dredging and disposal-related initiatives envisioned in it are proposed to be implemented pursuant to the New Bedford Harbor State Enhanced Remedy (SER). As you know, the SER is contained in EPA's 1998 Record of Decision for the New Bedford Harbor Superfund Site (1998 ROD), consistent with the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 et. seq. (CERCLA) and its implementing regulations, the National Contingency Plan, 40 C.F.R. § 300 et. seq.; specifically section 300.515(f). In the 1998 ROD, EPA agreed to the Commonwealth's request that navigational dredging in the Harbor be included as an enhancement of the remedy as long as no federal funds are used to implement the enhancement.

You may remember that EPA entered into a Memorandum of Agreement (MOA) with the Commonwealth of Massachusetts on January 10, 2005 to further define the scope of the SER. This Memorandum, drafted in coordination with the City of New Bedford, also sets out a process for identifying projects for inclusion in the SER and defines the roles and responsibilities of federal, state and local entities, identified as Resource Agencies, in that process.

One of the greatest benefits of inclusion in the SER is the streamlined permitting process. Pursuant to §121(e) of CERCLA onsite activities conducted as part of the Superfund cleanup are not required to secure permits. This permitting exemption extends to projects included in the SER. To date EPA, the State and the Resource Agencies have generally been meeting monthly to review and discuss the SER implementation in accordance with the understandings reached in the MOA to ensure the SER remains true to the scope originally envisioned and to ensure that all performance standards for the navigational dredging projects are met.

EPA Comments on 2009 New Bedford/Fairhaven Municipal Harbor Plan November 25, 2009 Page 2

EPA offers the following comments on the 2009 Harbor Plan in its continuing role as the lead agency for the Harbor cleanup and support agency for the SER as part of the Harbor planning process.

Our detailed comments are as follows:

- 1. EPA believes that implementation of the SER with the support of all participating Resource Agencies has been highly successful to date. The City, through the Harbor Development Commission, has carefully planned and coordinated all navigational dredging projects with the SER group and has ensured that all projects have stayed within the scope of the enhancement as defined by the MOA and has met all performance standards. EPA looks forward to continuing this working relationship with the Harbor Development Commission and all Resource Agencies as the SER moves forward.
- 2. EPA supports the inclusion of Superfund harbor cleanup considerations into the Harbor Plan. We look forward to continuing the coordination with the SER working group in hopes of finding and acting on synergies that may lead to a shorter timeframe to complete the Harbor cleanup while furthering the goals of the Harbor Plan.
- 3. EPA disagrees with some of the characterizations in the Harbor Plan regarding project inclusion in the SER. For instance, Section 7.2.1.2, page 7-4: EPA does not agree that inclusion of a project under the SER is defined by the location of certain contaminants present in the sediments; we agree that this is a factor that should be considered along with other factors such as inclusion in the Dredge Management Area, location within the boundary of the New Bedford Harbor Site and consideration and agreement by the SER group. See also page 7-6 and the last bullet on the top of page 7-10: EPA disagrees that the SER "allows for the remediation of all harbor contaminated sediment under a streamlined dredging process" or that all contaminated sediment within the Superfund site boundaries should be dredged as part of the SER process. As previously stated, inclusion of projects in the SER is determined by many factors. EPA also notes on page 7-6 the description of projects that would fall under the SER EPA agrees that these are the types of projects that may be included in the SER but are still subject to other criteria including evaluation by the SER group.

EPA has identified, in comments 4 and 5 below, specific projects presented in the Harbor Plan that we do not agree would be included within the SER. Conversely, this is not meant to be an agreement that all other projects set out in the Harbor Plan should be included under the SER umbrella of streamline permitting; rather, EPA refers back to it previous comment that any recommended project in the Harbor Plan should undergo review by the Resource Agencies for inclusion in the SER.

4.. EPA does not agree that bulkhead extensions built to store confined aquatic disposal (CAD) cell material should, a priori, be covered by the SER's streamlined regulatory process. Potential

EPA Comments on 2009 New Bedford/Fairhaven Municipal Harbor Plan November 25, 2009 Page 3

impacts to natural resources, flood water storage, changes in land use, among other things, will require review and evaluation that may well be beyond the scope and purview of the SER process. EPA also notes that the first condition listed in the Harbor Plan for such bulkhead construction permit streamlining (p.8-21) does not define the degree of sediment contamination required to meet the condition. Absent additional definition in this regard EPA is unable to agree to it.

- 5. EPA cannot support inclusion of the three proposed dredging projects south of the hurricane barrier listed in Table A-4 (Davy's Locker, Former BWW Banquet Room, and Boat Ramp) into the SER process. This geographical area is outside the boundaries of the 1998 ROD and its provision for the SER, and thus cannot be included as part of the enhancement.
- 6. EPA supports the concept of pilot testing and additional research into the appropriate design of mooring anchors to be used within a CAD cell cap. Based on EPA's draft computer modeling performed to date for potential Superfund CAD cells, the first (i.e., lowest) foot of cap must be kept free of penetration from such anchors, since over time contaminants from CAD cell diffusion would accumulate in this first foot of cap.
- 7. It should be noted that the SER process will terminate once the Superfund upper and lower harbor cleanup, as required in the 1998 ROD, is complete
- 8. Page 7-5: The definition of ARARs is Applicable or Relevant and Appropriate Regulations.
- 9. Page 7-14: The Harbor Plan supports the reuse of suitable material generated from CAD cell construction as capping for sediments either not targeted to be dredged under the Superfund cleanup or for navigational dredging or that will not be dredged for in excess of 10 years. EPA notes that capping sediments is not currently in the 1998 ROD or the SER. Any change to include such action for Superfund targeted sediments, even those that may not be addressed within the next 10 years would require that EPA issue a future decision document as a change to the remedy set out in the 1998 ROD.
- 10. Section 7.3.3, p.7-57: based on EPA's understanding of the conceptual bulkhead and terminal expansion for South Terminal envisioned in the City of New Bedford's latest TIGER grant application, we disagree that these proposed changes would be "modest". EPA notes that the grant application is significantly inconsistent with the Harbor Plan. See also comment #4 above.
- 11. p.8-25: it is highly unlikely that EPA's dewatering facility will be available for redevelopment "within the next five years". EPA also notes that, contrary to the statement made on p.7-55, EPA's use of the dewatering facility is not lease-based. EPA further notes that use of the term "CDF D" on pp.7-55 and 7-56 is inappropriate, since the dewatering facility is not a CDF, but rather a marine bulkhead (i.e., no contaminated sediments are stored in it). CDF D was

* MDC: have Afacility built with 15 months of Cape Wind approval

Check TSCA finding: is another one required ?? NAVIGATIONAL DREDGING GROUP MEETING - NEW BEDFORD, MA February 25, 2009 - 11:30 AM Conference Room 314, City Hall, New Bedford XS. Terminal is next priority (PC) 1.0 A A EPA: focus on one "feature" at a time 2.0 (PC) New Bedford/Fairhaven Harbor Master Plan - Update - CZM review is continuing; "countration" pushed into March PROJECTS STATUS - Phase III Dredging **Dredging Completion Maps** (Apex) (Apex) 3.2 Project Wrap-up Status 3.3 Sediment Traps - all traps have been pulled, (Will now decision as to robether Grants and Other Submittals (to continue or not (HDC) Grants and Other Submittals 6.0 PHASE IV (Apex) 6.1 Phase IV Dredge Areas North Terminal Area, South Terminal and Turning Basin; East of State Pier; Bridge Terminal; Gifford Street Mooring Area; Rowing Course Partial; Fairhaven Shipyard additional; ARSBC; Linberg additional; Seaport Inn Gateway Property; Moby Dick Property; Pease Park.; Niemiec Marine (Apex) Next CAD Cell – CAD #3 (Apex/All) Location(s), Volumes Stakeholder Integration 6.2.1**USEPA Status** - will start designing Their own (AD cell 6.2.2 **USACE Status** OTHER BUSINESS **CLOSING COMMENTS - Schedule Next Meeting** - Cuty hunk routily needs beach nouristiment (~100,000 cy?)

CAD Cell Table (Phase IV Navigational Dredging)

CAD Cell	CAD Cell #3 Volume Created	Storage Volume Created or Available (cy)	Top of CAD Cell Volume (cy)	Clean Material to be Generated (cy)
CAD Cell #2	N/A	(51,000)	N/A	N/A
Transitional CAD Cell	N/A	40,879	12,546	60,933
CAD Cell #3	684,655	N/A	79,341	786,932
Totals	684,655	91,879	91,887	847,865

Note: Anticipated space required within CAD Cell #3: 684,200 cy.

molarles grave & friveway &

DRAFT "wish list"

New Bedford Harbor Development Commission

and the

Town of Fairhaven

Phase IV Navigational Dredging

Preliminary Estimated Dredge Volumes

	PROPERTY	VOLUME
	NORTH TERMINAL	20,000 cy
	PEASE PARK	2,500 cy
	NIEMIEC MARINE, INC	2,800 cy
	LINBERG MARINE, INC	2,500 cy
	FAIRHAVEN SHIPYARD	1,000 cy
	ACUSHNET RIVER SAFE BOATING CLUB	4,500 cy
	BOAT HOUSE BASIN	1,600 cy
	EPA DOCK	8,000 cy
	MARLEES	5,700 cy
	SEAPORT INN AND CONFERENCE CENTER	4,100 cy
	MOBY DICK MARINA	6,500 cy
	OLD NORTH WHARF FISHERIES	1,500 cy
	FISH TERMINAL	1,000 cy
	PACKER MARINE, INC	4,000 cy
	STATE PIER	4,500 cy
	SOUTH TERMINAL	239,000 cy
	GIFFORD STREET MOORING FIELD pools	
	all my	chase 4
	EPA Superfund Dredging	300,000 cy
TO	OTAL	684,200 cy /

- Union Wharf not on due to structural issues up pier

in what on what Cape Wind requires 2/25/10 SER MAG Handont

Estimate of PCB Mass Removed (Phase Navigational Dredging)

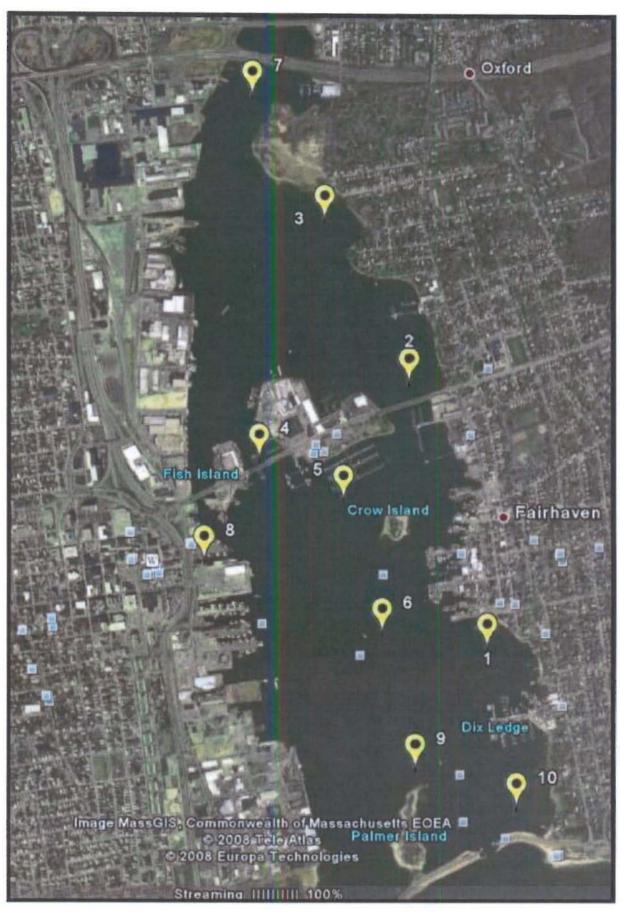
2013

Dredge Area	Final Volume	Pre-Dredge Conc. (Avg.)	Post	Difference	Mass Removed (lbs)
S-1	2691.2	7.35	2.1	5.3	42
UW-1, UW-2	1108.75	10.8	5	5.8	19
TP-1A, TP-1B, TP-2	1265.65	22.1	0.03	22.1	84
G-1, G-2	10879.9	7.35	2.1	5.3	171
ON-1A, ON-1B	1294.7	8.8	1.8	7.0	27
WA-2A, WA-2B	2142.3	12.6	3.4	9.2	59
ON-2	108.2	5.3	1.8	3.5	1.1
N-1	2311.6	1.2	N/A	N/A	N/A
FS-1, FS-2	344.1	N/A	N/A	N/A	N/A
L-2	1773.15	N/A	N/A	N/A	N/A
P-1	2288.45	61.3	0.1	61.2	420
wy Standin Authoritis North	4190.0	152.4	37.1	115.3	1450
Steamship Authority North	5686.0	12.6	3.4	9.2	157
Steamship Authority South	16695.0	0.222	0.206	0.02	0.8
			Total M	lass Removed:	2432

N/A = No post-dredge survey conducted by Steele Associates.

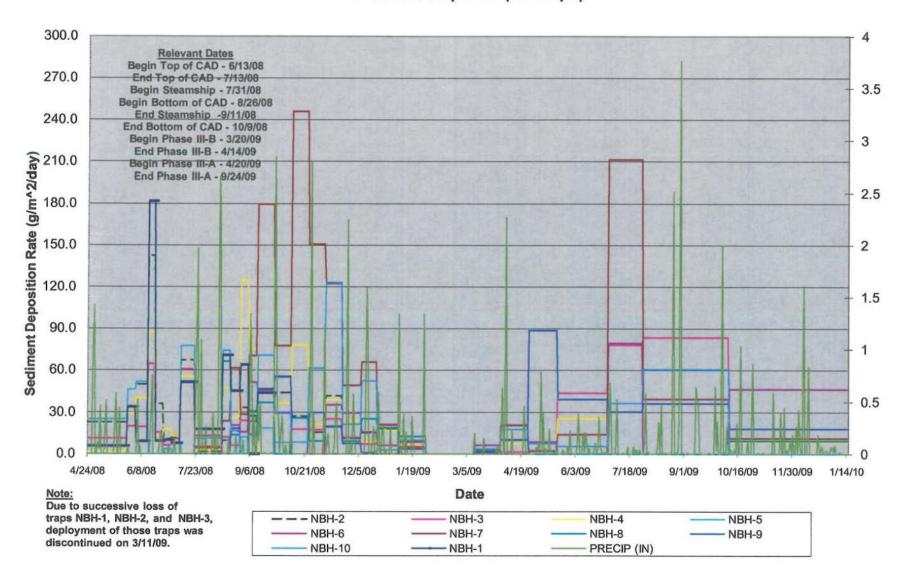
PCB7 = [18 NOAA × 2.6]

Figure 1: Sediment Trap Deployment Locations

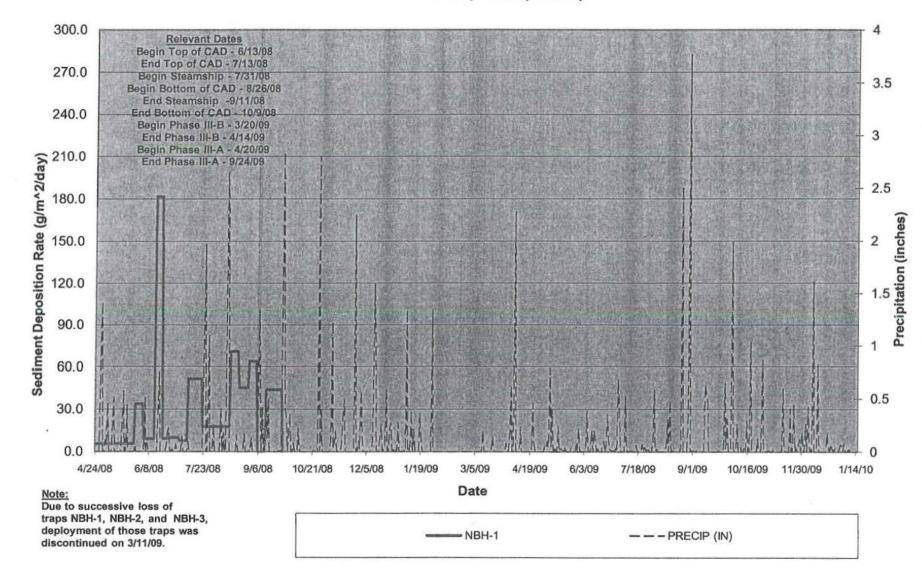


Sediment Trap Locations at New Bedford Harbor, MA Apex Companies, LLC

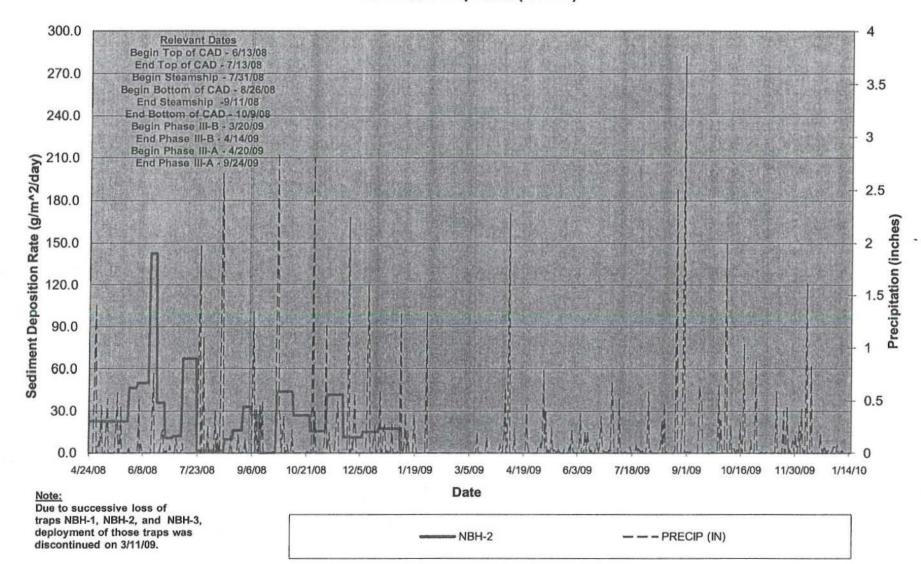
Sediment Trap Data (All Traps)



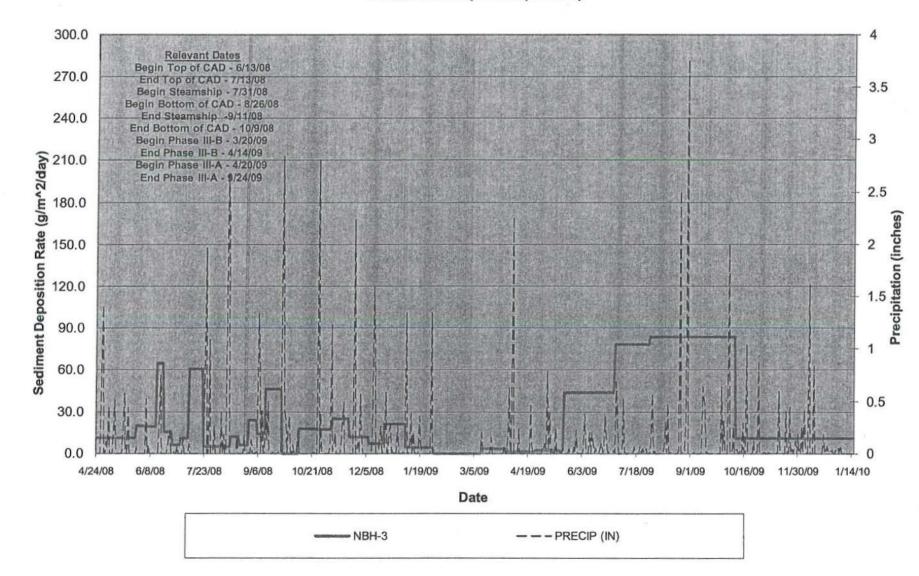
Sediment Trap Data (NBH-1)



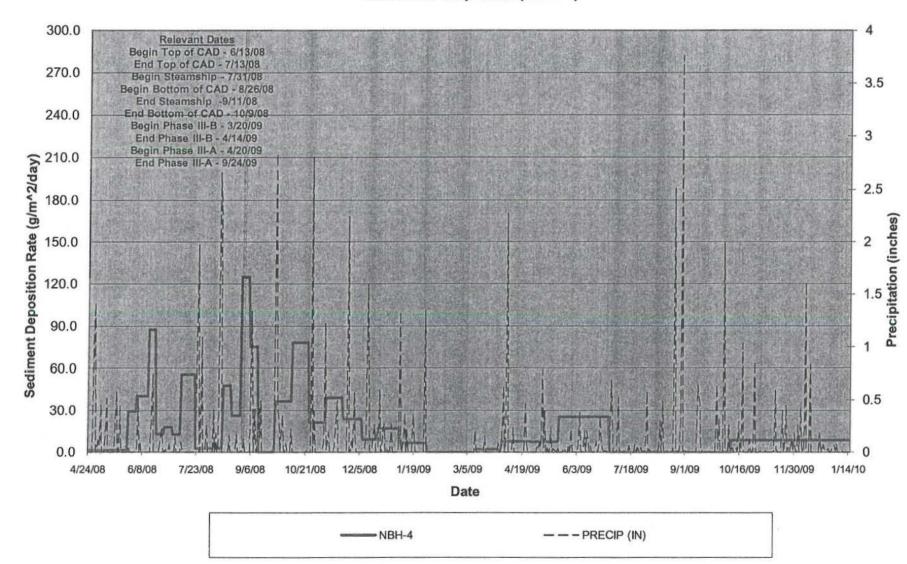
Sediment Trap Data (NBH-2)



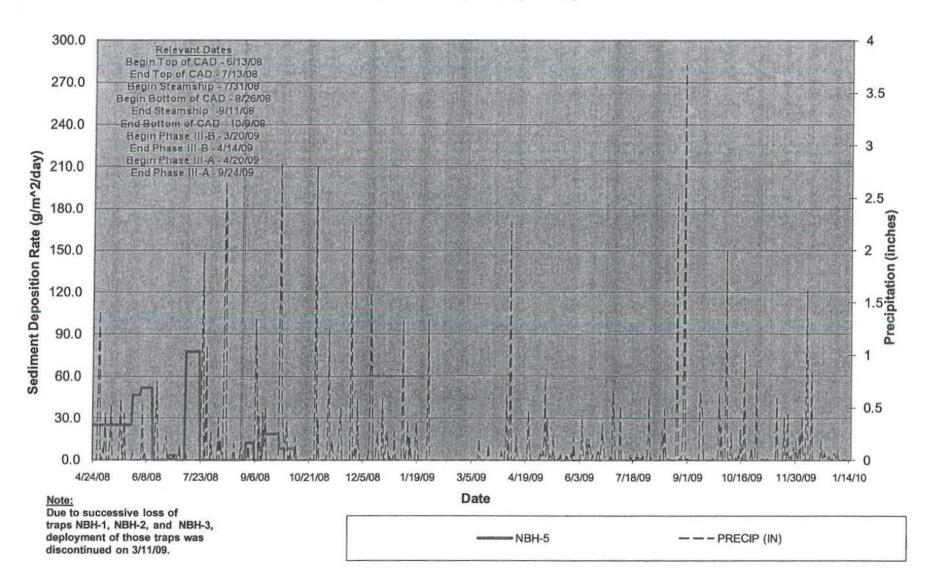
Sediment Trap Data (NBH-3)



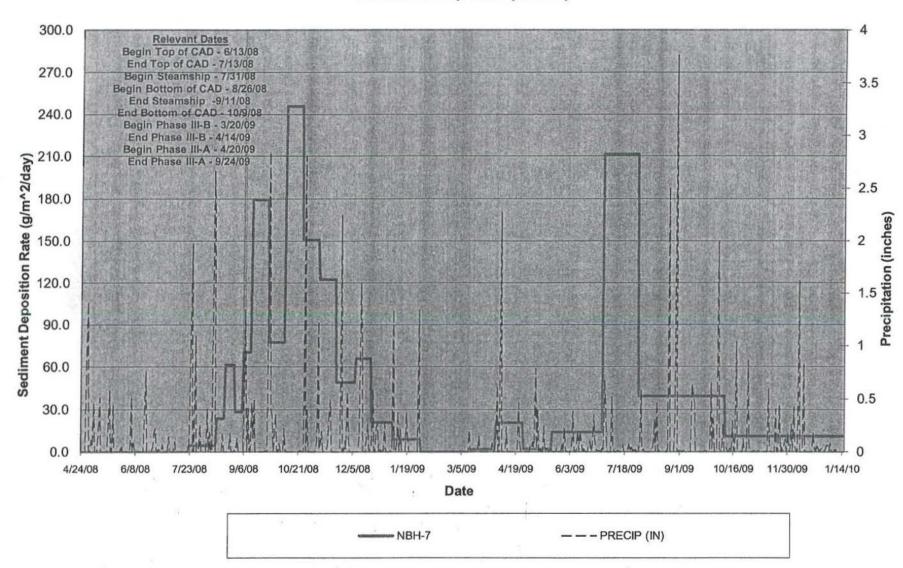
Sediment Trap Data (NBH-4)



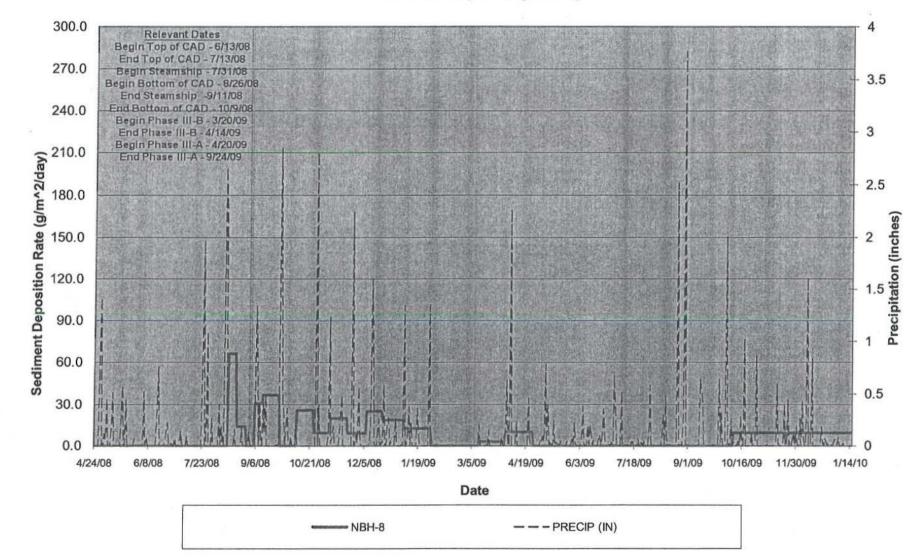
Sediment Trap Data (NBH-5)



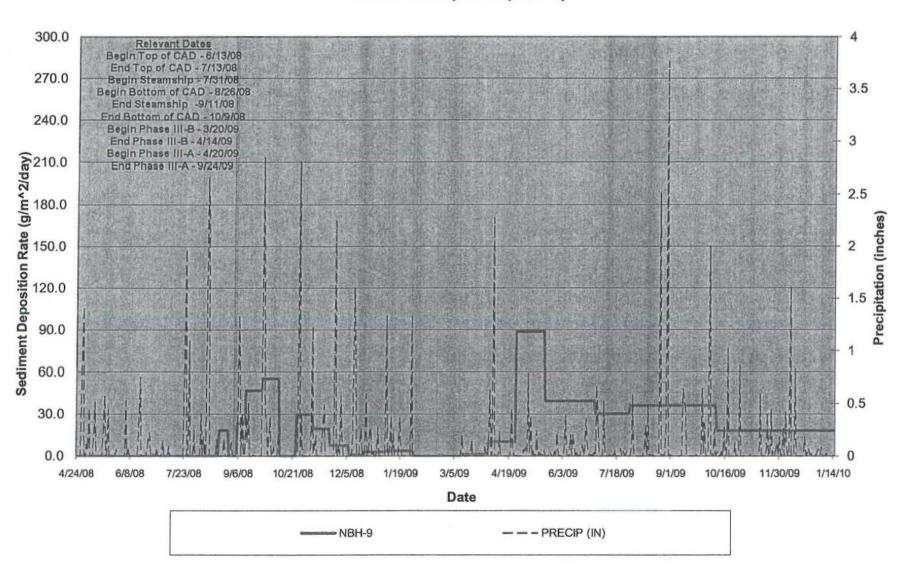
Sediment Trap Data (NBH-7)



Sediment Trap Data (NBH-8)



Sediment Trap Data (NBH-9)



Sediment Trap Data (NBH-10)

